

7-44. Noncompliance Penalty: De Minimis Exemptions (1200 TN 350)

1. **AUTHORITY.** Pursuant to section 120 of the Clean Air Act with regard to the requirements of the noncompliance penalty section where a particular instance of noncompliance is due to a violation which is de minimis in nature and duration:
 - a. To publish a notice and provide an opportunity for a public hearing; and
 - b. To grant an exemption from the requirements.
2. **TO WHOM DELEGATED.** Director, Air Protection Division.
3. **LIMITATIONS.**
 - a. Prior to exercising this authority, a delegatee must consult with the AA for OECA.
 - b. The AA for OECA may exercise these authorities in multi-regional cases or in cases of national significance.
 - c. The AA for OECA must notify any affected RA prior to exercising any of the above authorities.
 - d. The AA for OECA may waive, in writing, consultation requirement.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to the associate division director level, and no further. This authority may not be redelegated without formal amendment.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.** Section 120 of CAA.
6. **SUPERSESSION.** Delegations Manual, CAA, Regional Delegation 7-44.
Noncompliance Penalty: De Minimis Exemptions, 1200 TN RIII-114, (October 3, 1996).

Date: 3/17/2017
Cecil Rodrigues
Acting Regional Administrator